



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

287 Main Street
Second Floor – Suite Two
East Hartford, CT 06118-1885
(860) 568-5157 Fax (860) 568-4953
Judicial Branch Website: www.jud.state.ct.us

Attorney Mark Dubois
Chief Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney Michael L. Cozzolino
42 Granite Street
Westerly, RI 02891

RE: Grievance Complaint #05-0503, ADF, Inc. v. Cozzolino

Dear Chief Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Conditional Admission and Agreement as to Discipline* (hereinafter “*Conditional Admission*”) filed December 7, 2005 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission and Agreement as to Discipline*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on December 7, 2005, the undersigned hereby APPROVE the *Conditional Admission and Agreement as to Discipline*, a copy of which is attached hereto. Accordingly, the disposition agreed to by the Chief Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission and Agreement as to Discipline* is hereby made an order of this reviewing committee. The Respondent is ordered to attend a continuing legal education course in Connecticut Civil Procedure pursuant to Practice Book §2-37(a)(5).

So ordered.

cc: ADF, Inc., Anthony Delfarno
Attorney Gregory A. Benoit

(5)
(asc)

DECISION DATE: 1/27/06

Grievance Complaint #05-0503

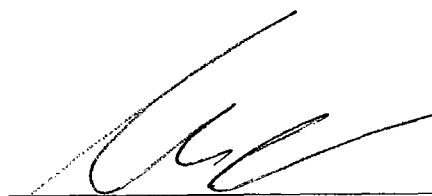
Decision

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Attorney Tracie Molinaro

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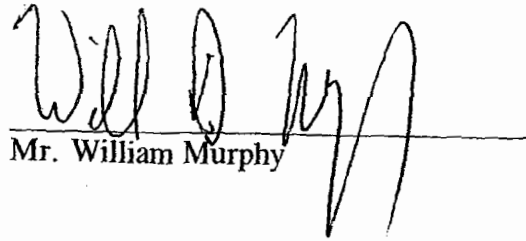


Attorney Margarita Moore

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Mr. William Murphy

STATEWIDE GRIEVANCE COMMITTEE**NO. 05-0503****ADF Inc. and ANTHONY DELFARNO**
Complainants**Vs.****MICHAEL COZZOLINO**
Respondent**CONDITIONAL ADMISSION AND AGREEMENT AS TO DISCIPLINE**

Pursuant to Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by grievance complaint filed by the Complainants ADF Incorporated and Anthony Delfarno on May 28, 2005.
2. On September 28, 2005 the Windham Grievance Panel found probable cause that the Respondent had violated Rules 1.1, 1.4(a) and 1.16(d) of the Rules of Professional Conduct with regard to his representation of the Complainants in defense of a civil suit filed against them in the New Haven Judicial District alleging that they had converted or otherwise misappropriated a truck.
3. The Respondent has tendered a conditional admission of fact in accordance with his affidavit attached hereto, admitting certain of the facts of the complaint.
4. Respondent has been admitted to practice since 1986. He has no history of discipline.
5. Respondent has agreed that the matter may be submitted on these stipulated facts to the Grievance Committee ~~for whatever discipline~~

 the parties agree that an order may enter that within six (6) months of the approval of this agreement Respondent will enter a stipulation in civil

procedure and that this may enter
as an order of this Committee,

~~the Committee feels is appropriate in accordance with Practice
Book Section 2-82(a).~~



6. A copy of the Conditional Admission and Affidavit has been sent to the Complainant. Complainant will be given an opportunity to advise the Committee of his position on the disposition of this matter.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for the imposition of discipline in accordance with Practice Book § 2-82 (a).

11/28/05
Date

Office of Disciplinary Counsel


By Mark A. Dubois
Chief Disciplinary Counsel

11-22-05
Date

Respondent Michael Cozzolino


Michael Cozzolino

AFFIDAVIT

Commonwealth of Rhode Island)

County of WASHINGTON) Ss: WESPERRY

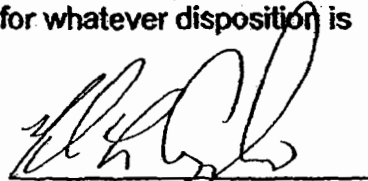
I am over the age of 18 and believe in the obligation of an oath.

Pursuant to Practice Book §2-82, I make the follow affidavit:

1. The Conditional Admission attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to submit this matter to a reviewing committee of the Statewide Grievance Committee for the imposition of whatever discipline the Committee feels is appropriate in accordance with Practice Book Section 2-82(a).
3. I am aware that I have a right to a full evidentiary hearing on this matter and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the implications of this Affidavit and Conditional Admission.
5. I am aware of the current proceeding regarding my alleged violation of Rules 1.1, 1.4(a) and 1.16(d) of the Rules of Professional Conduct in connection with my representation of the Complainants ADF Inc. and Anthony Delfarno.
6. I admit that I entered an appearance in the matter of J.R. Christoni, Inc v. ADF, Inc et al on July 1, 2004.

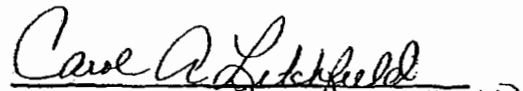
7. I appeared for the defendants ADF and Delfarno at the request of Attorney Louis B. Cappuccio, Jr.
8. I understood that Cappuccio was asking me to enter this appearance as a favor or accommodation to Attorney Joseph Bevilaqua who represented ADF and Delfarno.
9. After filing my appearance, I did nothing on the case. I had no fee agreement. I received no fees. I filed no pleadings, attended no hearings, and did not communicate with ADF or Delfarno.
10. I never advised them that I was not continuing to represent them in the case, nor did I terminate the relationship in writing as required by Rule 1.16(d).
11. Ultimately, I learned that the matter had gone to judgment and that treble damages had been awarded to the plaintiff.
12. When Mr. Delfarno advised me of this, I contacted my malpractice carrier. This was the first time that I learned that the New Haven case had gone to judgment.
13. The Christoni case has now been settled, and I have paid Mr. Delfarno the amount of money it took to settle the Christoni case.
14. I admit that my conduct as complained of in this regard violated Rules 1.1, 1.4(a) and 1.16(d) of the Rules of Professional Conduct.

15. I am willing to submit this matter to a reviewing Committee of the
Statewide Grievance Committee for whatever disposition is
appropriate.


Michael Cozzolino.

Subscribed and sworn to before me

this 22 day of Nov, 2005.


Notary Public CAROL A. LITCHFIELD

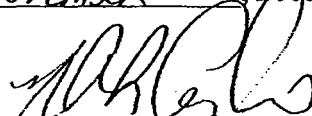
MY COMMISSION EXPIRES 7/1/2009

SUPPLEMENTAL AFFIDAVIT

Pursuant to Practice Book Section 2-82, the undersigned Respondent in Disciplinary Counsel Stipulate and agree as follows:

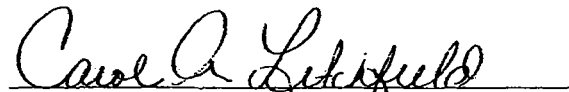
1. That it was represented to Respondent by Attorney Louis B. Cappuccio, Jr. of Westerly, Rhode Island that alternate Connecticut counsel had assumed representation of Mr. Delfarno and ADF, Inc. in the within matter.
2. That Respondent relied, to his detriment, on said representations.
3. That Delfarno has represented, that since the filing of his complaint in the within matter, he has had an opportunity to discuss the history of the case with Rhode Island counsel and understands that there was an apparent breakdown in the communication between all counsel involved.
4. That upon information and belief, Delfarno has represented a desire that all complaints be withdrawn in the matter and he has been fully satisfied with the explanation and outcome provided to him by legal counsel regarding this case.

Witness my hand this 22 day of NOVEMBER, 2005.



Michael L. Cozzolino

Subscribed and sworn to before me at Westerly, Rhode Island, this 22ND day of November, 2005.



CAROL A. LITCHFIELD
Notary Public
My Commission Expires: 7/1/2009